

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

TYRONE LEE FUTRELL, SR.

PLAINTIFF

v.

CASE NO. 3:13CV00139 BSM

MISSISSIPPI COUNTY SHERIFF'S DEPARTMENT

DEFENDANT

ORDER

Defendant Mississippi County Sheriff's Department's motion to dismiss [Doc. No. 13] is granted, and this case is dismissed with prejudice.

Federal Rule of Civil Procedure 12(b)(6) permits dismissal when the plaintiff fails to state a claim upon which relief can be granted. To meet the 12(b)(6) standard, a complaint must sufficiently allege facts that will entitle the plaintiff to the relief sought. *See Ashcroft v. Iqbal*, 556 U.S. 662, 663 (2009). Although detailed factual allegations are not required, threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, are insufficient. *Id.*

Plaintiff Tyrone Lee Futrell filed this Title VII lawsuit, claiming that defendant did not hire him because he is a black man. The crux of his complaint appears to be that several white officers were hired instead of him. Pl.'s Compl. at 3. Defendant's motion is granted because Futrell has failed to state a claim upon which relief may be granted. While Futrell claims he was discriminated against, the only facts he pleads in support of his claim is that white officers were hired. Additionally, Futrell appears to be a frivolous filer. On the same day he filed this complaint, Futrell filed six other cases in this district, most of which claim

discrimination based on failure to receive a phone call from the hiring entity. Four of those cases have already been dismissed. *See Futrell v. Imperial Security*, Case No. 3:13CV00140 SWW (dismissed for failure to state a claim); *Futrell v. Gosnell Police Dep't*, 3:13CV00143 DPM (dismissed for failure to state a claim); *Futrell v. Craighead Cnty. Sheriff's Dep't*, 3:13CV00145 DPM (dismissed for failure to state claim); *Futrell v. Osceola Police Department*, 3:13CV00144 BSM (dismissed for failure to state a claim); *Futrell v. Arkansas Northeastern College*, 3:13CV00141 KGB; *Futrell v. Bono Police Dep't*, 3:13CV00142 JLH.

IT IS SO ORDERED this 27th day of February 2014.


UNITED STATES DISTRICT JUDGE